



11/20/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A-58631-3/RFT/RMS/DJM

Anticipated Classification of  
this Application:

Class: Subclass:

Prior Application:

Examiner: A. Mehta

Art Unit: 1638

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DATE OF DEPOSIT November 20, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
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UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE  
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ASSISTANT COMMISSIONER FOR PATENTS, ARLINGTON,  
VA 22202.

TYPED NAME DARYL KRINER

SIGNED

## Box PATENT APPLICATION

Assistant Commissioner for Patents  
Arlington, VA 22202

Sir:

This is a request for filing an

☐ Original

☒ Continuation

☐ Divisional

☐ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of PETER D. CHRISTIAN;  
KARL H.J. GORDON; TERRY N. HANZLIK (Names of ALL Applicants), for INSECT  
VIRUSES AND THEIR USES IN PROTECTING PLANTS (Title of Invention). This  
☒ continuation ☐ divisional ☐ continuation-in-part claims priority  
to pending application Serial No. 09/234,238, filed on January 20, 1999,  
(which is a continuation of Serial No. 08/440,522, filed May 12, 1995.)

1. (a) ☐ Enclosed is a new application.  
(b) ☐ Enclosed is a continuation-in-part application.  
(c) ☒ Enclosed is a copy of the prior application.
2. (a) ☐ Enclosed is a new Declaration.  
(b) ☒ Enclosed is a copy of the prior executed Declaration as  
originally filed.  
(c) ☐ Enclosed is a Combined Declaration/Power of Attorney.
3. ☐ Applicant claims small entity status. See 37 CFR 1.27.
4. ☐ The filing fee is calculated below:  
Claims as filed in the prior application, less any claims canceled by  
amendment below:

	(Col. 1)	(Col. 2)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE OR	RATE	FEE
BASIC FEE				\$370 OR		\$740
TOTAL CLAIMS	-20 =	* 1	x 9 = \$		OR x 18 = \$	
INDEP CLAIMS	-3 =	* 1	x 40 = \$		OR x 80 = \$	
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED			+135 = \$		OR +270 = \$	
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$	OR TOTAL	\$

5. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-58631-3/RFT/RMS/DJM).

6. ☐ Our check in the amount of \$\_\_\_\_\_ is enclosed.

7. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. ☒ Amend the specification by inserting before the first line the sentence:

--This is a X continuation of application Serial No. 09/234,238 filed January 20, 1999.--

9. (a) ☒ Informal drawings are enclosed, 52 sheets, copies as filed in parent application.

(b) ☐ Formal drawings are enclosed, \_\_\_\_\_ sheets.

10. (a) ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.

(b) ☐ The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.

11. ☐ An Assignment is enclosed.

12. ☒ The prior application is assigned of record to \_\_\_\_\_.

13. ☐ A Power of Attorney by Assignee is enclosed.

14. ☒ The power of attorney in the prior application is to:

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP

(name)

SUITE 3400, FOUR EMBARCADERO CENTER

(address)

SAN FRANCISCO, CALIFORNIA 94111-4187

(a) X The power appears in the original papers in the prior application.

(b)      Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

(c) X Address all future communications to:

RICHARD F. TRECARTIN, ESQ.  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989

15.      A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

16.      A Prior Art Statement is enclosed.

17. X I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/234,238 as originally filed on January 20, 1999.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP



Richard F. Trecartin,  
Reg. No. 31,801

Dated: November 20, 2001

Flehr Hohbach Test  
Albritton and Herbert LLP  
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San Francisco, CA 94111-4187  
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